

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-02 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 ACDA-19

GAC-01 USIE-00 INRE-00 NSCE-00 SSO-00 RSR-01 /087 W
----- 043680

O R 252055 Z MAY 73

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 9547

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 2544

E. O. 11652: GDS

TAGS: PFOR, UN

SUBJECT: DEFINITION OF AGRESSION COMMITTEE

1. GHANA REP (LAMPTEY) MET WITH DELEGATIONS FROM SIX-POWER GROUP FOR TWO HOURS PM MAY 25 TO DISCUSS A PROPOSAL FOR OVERALL SETTLEMENT OF OUTSTANDING ISSUES. HE HAS DEVELOPED PACKAGE AFTER EXTENSIVE CONSULTATIONS WITH NON- ALIGNED, IS WILLING TO MAKE MAXIMUM EFFORT OBTAIN AGREEMENT ON THIS BASIS, AND BELIEVES HE WILL BE ABLE TO DO SO (WITH PROBABLE EXCEPTION OF TROUBLESOME SYRIAN REPRESENTATIVE, WHO HAS MANAGED TO BECOME ALMOST TOTALLY ISOLATED BY NON- ALIGNED). LAMPTEY WAS NOT, HOWEVER, PREPARED PUT HIMSELF IN EXTREMELY DIFFICULT POLITICAL POSITION OF FIGHTING FOR COMPROMISE ON THIS BAIS UNLESS DELEGATIONS OF GROUP OF SIX PREPARED MAKE EVERY EFFORT TO GAIN AGREEMENT ON PACKAGE. AFTER DISCUSSIONS OF SEVERAL FORMULATIONS, WE TOLD HIM WE WOULD REPORT THE PACKAGE TO WASHINGTON.

2. IN SUBSEQUENT CONVERSATIONS AMONG GROUP OF SIX DELEGATIONS, CANADIANS AND AUSTRALIANS PRESSED US EXTREMELY HARD ON ACCEPTANCE THIS PACKAGE CONTINGENT ON LAMPTEY' S ABILITY TO ACHIEVE GENERAL ACCEPTANCE. WE EXPRESSED DOUBTS THAT WASHINGTON WOULD BE PREPARED TO ACCEPT PACKAGE.

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CANADIAN DEL SAID THAT IF, AS RESULT US INABILITY ACCEPT THIS COMPROMISE, OPPORTUNITY FOR AGREEMENT WAS LOST, CANADA WOULD WITHDRAW FROM GROUP OF SIX. HE SAID LAMPTEY'S LANGUAGE ON INDIRECT USES AN INCREDIBLE ACHIEVEMENT FROM WESTERN POINT OF VIEW AND EXPRESSED VIEW THAT ATMOSPHERE IN COMMITTEE, PARTICULARLY IN MORE POLITICALLY CHARGED SETTING OF NEW YORK, COULD NEVER AGAIN BE AS FAVORABLE. AUSTRALIAN REP SAID HIS GOVT TOO WOULD HAVE "DIFFICULTY" REMAINING IN GROUP IF THIS OPPORTUNITY MISSED. ITALIAN AND JAPANESE DELEGATIONS INDICATED THEY COULD ACCEPT PACKAGE. UK REP AGREED REFER PACKAGE BACK TO LONDON.

3. LAMPTEY PACKAGE CONSISTS OF THREE ELEMENTS: NEW LANGUAGE ON INDIRECT USE OF FORCE, SUBSTANTIAL TONING-DOWN OF CONTACT GROUP LANGUAGE ON SELF- DETERMINATION, AND CHANGE IN PRIORITY/ INTENT ARTICLE (PRESENT LANGUAGE ON THESE SUBJECTS CONTAINED IN REPORTS OF CONTACT GROUPS II AND IIK, REPORTED GENEVA 2469 AND 2456).

4. THE LANGUAGE ON INDIRECT USES OF FORCE IS AS FOLLOWS: " THE SENDING BY A STATE OF ARMED BANDS, GROUPS IRREGULARS OR MERCENARIES, WHICH CARRY OUT ACTS OF ARMED FORCE AGAINST ANOTHER STATE, OR THE ORGANIZATION, INSTIGATION OR ACTIVE PARTICIPATION IN SUCH ACTS, OF SUCH GRAVITY AS TO AMOUNT TO THE ACTS LISTED ABOVE".

5. NEW LANGUAGE ON SELF- DETERMINATION IS AS FOLLOWS:
" NON OF THE PRECEDING PARAGRAPHS CAN BE INTERPRETED AS LIMITING THE SCOPE OF THE CHARTER'S PROVISIONS CONCERNING THE RIGHT OF PEOPLES TO SELF- DETERMINATION OR AS PREVENTING PEOPLES FORCIBLY DEPRIVED OF THE RIGHT OF SELF- DETERMINATION, IN THEIR ACTIONS AGAINST AND RESISTANCE TO SUCH FORCIBLE DEPRIVATION, FROM SEEKING OR RECEIVING SUPPORT AND ASSISTANCE IN ORDER TO EXERCISE THEIR INHERENT RIGHT OF SELF- DETERMINATION IN ACCORDANCE WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER AND IN CONFORMITY WITH THE DECLARATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION AMONG STATES."

6. CHANGE IN PROVISION ON PRIORITY/ INTENT

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NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 ACDA-19

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 2544

9. ON PRIORITY/ INTENT ALL OTHER MEMBERS OF CGRUP OF SIX EXCEPT UK PREPARED DROP REFERENCE TO - PRUPOSES" ALTOGETHER. PROVISION WOULD, OF COURSE, STILL PROVIDE THAT SECURITY COUNCIL WOULD CONSIDER WHETHER DETERMINATION OF AGRESSION WOULD BE JUSTIFIED IN LIGHT OF " OF OTHER RELEVANT CIRCUMSTANCES" OR (IN VERSION PROPOSED BY LAMPTEY) " ALL RELEVANT CIRCUMSTANCES AND CONSIDERATIONS". WILLINGNESS TO DELETE WORD " PURPOSES" BASED ON PROPOSITION THAT " PURPOSES" AMPLY COVERED BY PHRASE " ALL THE RELEVANT CIRCUMSTANCES" (AND EVEN MORE CLEARLY COVERED BY THE LAMPTEY LANGUAGE). UK REP TOLD US PRIVATELY HE WAS NOT SURE WHETHER LONDON IN FACT ATTACHED GREAT IMPORTANCE TO INCLUSION OF SPECIFIC REFERENCE TO " PURPOSES", AND HAS ASKED LONDON WHETHER THEY PREPARED TO DROP PHRASE " INCLUDING, AS EVIDENCE, THE PURPOSES OF THE STATES INVOLVED", ALTOGETHER OR IN EXCHANGE FOR LAMPTEY VERSION OR CANADIAN PROPOSAL (" INCLUDING CONSIDERATIONS EXPLAINING THE ACTIONS OF STATES INVOLVED"). UK REP SAID HIS PERSONAL PREFERENCE WAS TO USE " CIRCUMSTANCES AND CONSIDERATIONS" FORMUALTION.

10. US DEL HAS, INDISCUSSIONS WITH ALL OTHER MEMBERS OF GROUP OF SIX, STRONGLY RESISTED ANY ATTEMPT TO DELETE REFERENCE TO " PURPOSES". EXPLICIT MENTION OF " PURPOSES" WAS SOMETHING FOR WHICH WE FOUGHT VERY HARD. HOWEVER,
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WE INCLINED TO THINK THAT THOSE-- INCLUDING THE CO- SPONSORS OF OUR DRAFT-- WHO ARGUE THAT MORE GENERAL REFERENCE TO " CIRCUMSTANCES AND CONSIDERATIONS" COVERS OUR POSITION ADEQUATELY HAVE SOMETHING OF A POINT, IT BEING KEPTIN MIND THAT THE RIGID FIRST- USE FORMULATIONS ORIGINALLY PROPOSED BY NON- ALIGNED AND SOVIETS NOW REPLACED BY " PRIMA FACIE" CONCEPT, WHICH MAKES CLEAR BY IMPLICATION THAT MERE PRIORITY IS NOT THE SOLE DETERMINANT OF AGRESSION. WE WOULD RECOMMEND AGAINST DELETION OF EXPLICIT REFERENCE IN ANY OTHER POLITICAL CONTEXT. AS IT IS, WE SIMPLY CALL DEPT' S ATTENTION TO FACT THAT, IN LIGHT OF VERY LOW PROBABILITY THIS COMMITTEE WILL BE ABLE TO MEET AGAIN IN COMPARABLE ATMOSPHERE, IN LIGHT OF THE INTENSE DETERMINATION OF MANY NON- ALIGNED REPS TO ARRIVE AT CONSTRUCTIVE

COMPROMISE AT THIS SESSION, AND IN LIGHT OF FACT THAT OUR ALLIES ARE BECOMING EXTREMELY RESTIVE WITH POSITIONS OF SIX POWER GROUP, WE MAY VERY WELL BE AT A HIGH POINT IN OUR ABILITY TO NEGOTIATE OUR WAY OUT OF THIS EXERCISE WITH MINIMAL COST. DELEGATION SHARES VIEW OF OTHERS IN GROUP OF SIX THAT EXTENT TO WHICH WE HAVE BEEN ABLE TO MOVE NON- ALIGNED ON PRIORITY/ INTENT AND (ASSUMING LAMPTEY PACKAGE CAN BE ACCEPTED) INDIRECT USES OF FORCE, REPRESENTS EXTREMELY SURPRISING PROGRESS, WHICH IS ATTRIBUTABLE IN LARGE PART TO UNIQUELY FAVORABLE ATMOSPHERE WE HAVE HAD AT THIS SESSION.

11. AS NOTED ABOVE, LAMPTEY NOT WILLING TO UNDERTAKE THE POLITICALLY AND PERSONALLY PAINFUL TASK OF BRINGING REST OF NON- ALIGNED (INCLUDING EGYPT BUT ALMOST CERTAINLY EXCLUDING SYRIA) AROUND TO AGREEMENT ON THIS PACKAGE UNLESS WE CAN SUPPORT THIS COMPROMISE. WE NOT PREPARED TO ASK HIM MAKE EFFORT UNLESS DEPT APPROVES.

12. IN ORDER TO BE USEFUL, ANY GUIDANCE WOULD HAVE TO BE RECEIVED BY AM GENEVA TIME MONDAY, MAY 28. BASSIN

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